

could result in industry's exceeding these allocations.

#### Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 7, 1995.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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#### 50 CFR Parts 611, 675, and 676

[Docket No. 950206040-5040-01; I.D. 111494A]

#### Groundfish Fishery of the Bering Sea and Aleutian Islands; Foreign Fishing; Limited Access Management of Federal Fisheries In and Off of Alaska; Final 1995 Harvest Specifications of Groundfish

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final 1995 specifications of groundfish and associated management measures; final rule; technical amendment; closures.

**SUMMARY:** NMFS announces final 1995 harvest specifications of total allowable catches (TACs), initial apportionments of TACs for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1995 fishing year. In addition, this action implements a technical amendment to update a directed fishery standard and the definition of a fishery category to reflect a change in a BSAI TAC category that resulted from the annual specification process. The technical amendment is necessary to incorporate a change in a groundfish TAC category to accommodate other regulations that limit bycatch amounts of prohibited species or groundfish species closed to directed fishing. NMFS also is closing specified fisheries consistent with the final 1995 groundfish specifications and fishery bycatch allowances of prohibited species. These measures are intended to conserve and manage the groundfish resources in the BSAI.

**EFFECTIVE DATE:** The final 1995 harvest specifications are effective on February

8, 1995, through 2400 Alaska local time (A.l.t.) on December 31, 1995, or until changed by subsequent notification in the **Federal Register**. The closures to directed fishing are effective on February 8, 1995, through 2400 A.l.t., December 31, 1995. The amendments to §§ 675.20 and 675.21 are effective on February 8, 1995.

**ADDRESSES:** Comments on directed fishing closures should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (Attn: Lori Gravel). The final Environmental Assessment prepared for the 1995 Total Allowable Catch Specifications may be obtained from the same address, or by calling 907-586-7229. The final Stock Assessment and Fishery Evaluation (SAFE) report is available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907-271-2809).

**FOR FURTHER INFORMATION CONTACT:** Ellen R. Varosi, NMFS, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 675 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island area (FMP). Other applicable regulations are found at 50 CFR 611.93 (foreign fishing) and 50 CFR part 676 (Limited Access Management of Federal Fisheries In and Off of Alaska). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the apportionments of prohibited species catch (PSC) limits among fisheries and seasons (§ 675.21(b)), the TAC, initial TAC (ITAC), initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category (§ 675.20(a)(2)). The sum of the TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). Specifications set forth in Tables 1-9 of this action satisfy these requirements. For 1995, the sum of TACs is 2,000,000 mt.

The proposed BSAI groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the BSAI

were published in the **Federal Register** on December 14, 1994 (59 FR 64383). Comments were invited through January 9, 1995. No written comments were received within the comment period. Public consultation with the Council occurred during the Council meeting in Anchorage, AK, held on December 5-10, 1994. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing the final 1995 specifications.

#### Interim Specifications

Regulations under § 675.20(a)(7)(i) authorize one-fourth of each proposed ITAC and apportionment thereof, one-fourth of each PSC allowance, and the first proposed seasonal allowance of pollock to be in effect on January 1 on an interim basis and to remain in effect until superseded by final initial specifications. NMFS published the interim 1995 specifications in the **Federal Register** on December 14, 1994 (59 FR 64346) and corrected January 30, 1995 (60 FR 5762). The final 1995 initial groundfish harvest specifications and prohibited species bycatch allowances contained in this action supersede the interim 1995 specifications.

#### TAC Specifications and Acceptable Biological Catch (ABC)

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September and December 1994 meetings. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the final 1995 Stock Assessment and Fishery Evaluation (SAFE) report for the BSAI groundfish fisheries, dated November 1994. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an acceptable biological catch (ABC) for each species category.

A summary of the preliminary ABCs for each species for 1995 and other biological data from the September 1994 draft SAFE report were provided in the discussion supporting the proposed 1995 specifications. The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their

September 1994 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report, dated November 1994. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1994 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1995 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for Bogoslof pollock, Greenland turbot, and Atka mackerel. The Council adopted the SSC's recommendations for the 1995 ABCs. The final ABCs are listed in Table 1.

The Council developed its TAC recommendations based on the final ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC in the required OY range of 1.4–2.0 million mt. None of the Council's recommended TACs for 1995 exceeds the final 1995 ABC for each species category.

Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of groundfish stocks. The final TACs and overfishing levels for groundfish in the BSAI area for 1995 are given in Table 1 of this action.

#### Apportionment of TAC

As required by § 675.20 (a)(3) and (a)(7)(i), each species' TAC initially is reduced by 15 percent (special provisions apply to the hook-and-line and pot gear allocation for sablefish); this is the ITAC for the species. The sum of these reductions is the reserve. The reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

The ITAC for each target species and the "other species" category at the beginning of the year is apportioned between the DAH and TALFF, if any. Each DAH amount is further apportioned between two categories of

U.S. fishing vessels. The DAP category includes U.S. vessels that process their catch on board or deliver it to U.S. fish processors. The joint venture processors (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the U.S. exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final 1991–94 initial specifications, the Council recommended that 1995 DAP specifications be set equal to ITAC and that zero amounts of groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipated that 1995 DAP operations will harvest the full TAC specified for each BSAI groundfish species category. The ABCs, TACs, ITACs, OFLs, and initial apportionments of groundfish in the BSAI for 1995 are set out in Table 1.

TABLE 1. FINAL 1995 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREAS <sup>1 2</sup>

Species	ABC	TAC	ITAC DAP <sup>3 4</sup>	Over fishing level
Pollock:				
Bering Sea (BS) .....	1,250,000	1,250,000	1,062,500	1,500,000
Aleutian Islands (AI) .....	56,600	56,600	48,110	60,400
Bogoslof District .....	22,100	1,000	850	22,100
Pacific cod .....	328,000	250,000	212,500	390,000
Sablefish BS .....	1,600	1,600	1,360	.....
AI .....	2,200	2,200	1,870	4,900
Atka mackerel total .....	125,000	80,000	68,000	335,000
Western AI .....	55,600	16,500	14,025	.....
Central AI .....	55,900	50,000	42,500	.....
Eastern AI/BS .....	13,500	13,500	11,475	.....
Yellowfin sole .....	277,000	190,000	161,500	319,000
Rock sole .....	347,000	60,000	51,000	388,000
Greenland turbot total .....	7,000	7,000	5,950	27,200
BS .....	4,669	4,669	3,969	.....
AI .....	2,331	2,331	1,981	.....
Arrowtooth flounder .....	113,000	10,227	8,693	138,000
Flathead sole .....	138,000	30,000	25,500	167,000
Other flatfish <sup>5</sup> .....	117,000	19,540	16,609	137,000
Pacific ocean perch.				
BS .....	1,850	1,850	1,573	2,910
AI .....	10,500	10,500	8,925	15,900
Other red rockfish <sup>6</sup> .				
BS .....	1,400	1,260	1,070	1,400
Sharpchin/Northern.				
AI .....	5,670	5,103	4,338	5,670
Shortraker/Rougheye.				
AI .....	1,220	1,098	933	1,220
Other rockfish <sup>7</sup> :				
BS .....	365	329	280	365
AI .....	770	693	589	770
Squid .....	3,110	1,000	850	3,110
Other Species <sup>8</sup> .....	27,600	20,000	17,000	136,000

TABLE 1. FINAL 1995 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND OVERFISHING LEVELS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREAS<sup>1 2</sup>—Continued

Species	ABC	TAC	ITAC DAP <sup>3 4</sup>	Over fishing level
Totals .....	2,836,985	2,000,000	1,700,000	3,655,945

<sup>1</sup> Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock and for the purpose of these specifications, the BS includes the Bogoslof district.

<sup>2</sup> Zero amounts of groundfish are specified for Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF).

<sup>3</sup> Except for the portion of the sablefish TAC allocated to hook-and-line and pot gear, 0.15 of each TAC is put into a reserve. For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, .20 of the allocated TAC is reserved for use by Community Development Quota participants. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

<sup>4</sup> DAP = domestic annual processing = ITAC.

<sup>5</sup> "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species) and all other flatfish species that have a separate specified TAC amount.

<sup>6</sup> "Other red rockfish" includes shortraker, roughey, sharpchin, and northern.

<sup>7</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, sharpchin, northern, shortraker and roughey.

<sup>8</sup> "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

The SSC's revisions to the ABCs recommended by the Plan Team for Bogoslof pollock, Greenland turbot, and Atka mackerel are discussed below.

**Bogoslof pollock.** The Plan Team indicated in the final 1995 SAFE report that the current estimate of biomass of Aleutian Basin pollock (442,000 mt) is the best estimate, assuming that no recruitment to the stock has occurred and that the natural mortality rate (M) is 0.2. Reassessment of the Bogoslof area hydroacoustic survey with new threshold levels of abundance has not changed previous conclusions that this stock has continued to decrease since 1988. The Plan Team lacks conclusive data that Bogoslof pollock are an independent stock that is self sustaining. Recruitment to the Aleutian Basin is most likely coming from another area from the surrounding continental shelf. To the extent that this recruitment may not be the progeny of Bogoslof spawners, the Plan Team assumed no recruitment will occur in 1995, and projected a biomass for 1995 of 442,000 mt using  $M=0.2$ . The Plan Team then calculated the  $F_{0.35}$  exploitation rate of 0.26 to derive an ABC of 115,000. However, the SSC continued the policy of adjusting the exploitation rate downward by  $M/4$ , or .05, in proportion to the ratio of current biomass to optimal biomass. This leads to an ABC of 22,100. Due to lack of recruitment predicted for 1995, the Council recommended a TAC of 1,000 mt to provide for bycatch in other groundfish operations. That recommendation is adopted in these final specifications (Table 1).

**Greenland turbot.** The Plan Team used the stock synthesis model to estimate the ABC, which was updated with 1994 catch and survey data. Similar to last year, the Plan Team used a more conservative exploitation rate of  $F_{0.40}$  and an increased slope survey

catchability coefficient of 0.75, due to the lack of recruitment. These parameters resulted in a conservative ABC of 18,500 mt. Continued poor recruitment and stock abundance levels lead the SSC to recommend a continuation of the present 7,000 mt ABC for this species. The SSC further recommended that the ABC be split into two apportionments: Two-thirds to the eastern Bering Sea, and one-third to the Aleutian Islands. This resulted in ABCs of 4,669 mt and 2,331 mt, respectively. This recommendation is intended to spread fishing effort over a larger area to avoid localized depletion. The Council concurred with the SSC's recommendation for ABC and set the TAC equal to ABC. That recommendation is adopted in these final specifications.

**Atka mackerel.** The Plan Team was not able to assess the current Atka mackerel stock level and the magnitude of the incoming year classes because data from the 1994 trawl survey and age composition of the 1993 fishery were not available. As a result, the Plan Team's recommended ABC (245,000 mt) was unchanged from 1994. Since 1992, the SSC has been apprehensive about possible environmental problems that may result from an increased catch of the magnitude implied by the Plan Team's estimate of ABC. Atka mackerel is a prey species of northern fur seals (a depleted species under the Marine Mammal Protection Act) and Steller sea lions (a threatened species under the Endangered Species Act). During their migrations, northern fur seals feed heavily on Atka mackerel as they move through the Aleutian passes. Therefore, since 1992, the SSC has recommended phasing in the Plan Team's estimate of ABC over a 6-year period by adopting the Plan Team's biomass estimate (832,000 mt for 1995), and raising the exploitation rate in steps. These

incremental steps are as follows: (M)(1/6) in 1992, (M)(2/6) in 1993, (M)(3/6) in 1994, (M)(4/6) in 1995, (M)(5/6) in 1996, and M in 1997. However, due to current uncertainty about the stock status, the SSC recommends that the stairstep be frozen at the level used to reduce the calculated ABC for 1994. According to this revised schedule, the recommended ABC for 1995 is  $(0.30/2)(832,000)=125,000$  mt. The main purpose of this approach is to postpone a large ABC increase until data are available to evaluate the phase-in policy.

The Council recommended an 80,000 mt TAC for Atka mackerel in the BSAI in 1995. Based on the authority provided by Amendment 28 to the FMP, the Council recommended the following apportionment of the TAC for Atka mackerel among the Aleutian Islands (AI) management districts and the Bering Sea relative to survey biomass distribution estimates: 16,500 mt in the western AI district; 50,000 mt in the central AI district; and 13,500 mt in the eastern AI district and Bering Sea combined. These recommendations are adopted in these final specifications (Table 1).

#### Apportionment of the Pollock TAC to the Inshore and Offshore Components

Regulations at § 675.20(a)(2)(iii) require that the 1995 pollock ITAC specified for the BSAI be allocated 35 percent to vessels catching pollock for processing by the inshore component and 65 percent to vessels catching pollock for processing by the offshore component. Definitions of these components are found at § 675.2. The 1995 ITAC specifications are consistent with these requirements (Table 2).

#### Seasonal Allowances of Pollock TAC

Under § 675.20(a)(2)(ii), the TAC of pollock for each subarea or district of

the BSAI area is divided, after subtraction of reserves (§ 675.20(a)(3)), into two allowances. The first allowance will be available for directed fishing from January 1 to April 15 (roe season). The second allowance will be available from August 15 through the end of the fishing year (non-roe season).

The Council recommended that the 1995 seasonal allowances of pollock be set at the same relative levels as in 1993 and 1994 with 45 percent of the pollock ITAC specified for each management subarea or district during the roe season and 55 percent during the non-roe season. Although the Council is authorized under § 675.20(a)(7)(ii) to recommend seasonal allowances of the 1995 CDQ pollock reserve, it did not take such action at its December 1994 meeting. Therefore, NMFS is limiting the 1995 fishery to 45 percent of the CDQ reserve during the roe season, consistent with the seasonal split

recommended by the Council for the inshore/offshore pollock fisheries (Table 2).

When specifying seasonal allowances of the pollock TAC, the Council and NMFS consider the factors as specified in Section 14.4.10 of the FMP and discussed in the proposed specifications (59 FR 64383), December 14, 1994).

A discussion of these factors relative to the roe and non-roe seasonal allowances (45 and 55 percent of the TAC, respectively) was presented in the final 1993 specifications for BSAI groundfish (58 FR 8703, February 17, 1993). Considerations under these factors remain unchanged from 1993 and 1994, given that the relative seasonal allowances for 1993, 1994, and 1995 are the same.

#### Apportionment of Pollock TAC to the Nonpelagic Trawl Gear Fishery

Regulations under § 675.24(c)(2) authorize NMFS, in consultation with

the Council, to limit the amount of pollock TAC that may be taken in the directed fishery for pollock using nonpelagic trawl gear. This authority is intended to reduce the amount of halibut and crab bycatch that occurs in nonpelagic trawl operations.

The Council did not recommend limiting the amount of pollock TAC that may be taken in the 1995 directed fishery for pollock by vessels using nonpelagic trawl gear, given that regulations at § 675.7 appear to limit effectively the bycatch of halibut and crab when directed fishing for pollock with nonpelagic trawl gear is closed. NMFS concurs with the Council's recommendation, and no limit on the amount of pollock TAC that may be taken in the directed fishery for pollock using nonpelagic trawl gear is specified.

TABLE 2.—SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TACS<sup>1 2</sup>

Subarea	TAC	ITAC <sup>3</sup>	Roe season <sup>4</sup>	Non-roe season <sup>5</sup>
Bering Sea:				
Inshore .....	.....	371,875	167,344	204,531
Offshore .....	.....	690,625	310,781	379,844
	1,250,000	1,062,500	478,125	584,375
Aleutian Islands:				
Inshore .....	.....	16,838	16,838	( <sup>6</sup> )
Offshore .....	.....	31,272	31,272	( <sup>6</sup> )
	56,600	48,110	48,110	( <sup>6</sup> )
Bogoslof:				
Inshore .....	.....	298	298	( <sup>6</sup> )
Offshore .....	.....	552	552 ( <sup>6</sup> )	( <sup>6</sup> )
	1,000	850	850	( <sup>6</sup> )

<sup>1</sup> TAC = total allowable catch.

<sup>2</sup> Based on an offshore component allocation of 0.65(TAC) and an inshore component allocation of 0.35(TAC).

<sup>3</sup> ITAC = initial TAC = 0.85 of TAC.

<sup>4</sup> January 1 through April 15—based on a 45/55 split (roe = 45 percent).

<sup>5</sup> August 15 through December 31—based on a 45/55 split (non-roe = 55 percent).

<sup>6</sup> Remainder.

#### Apportionment of the Pollock TAC to the Western Alaska Community Development Quota

Regulations at § 675.20(a)(3)(ii) require one-half of the pollock TAC placed in the reserve for each subarea or district, or 7.5 percent of each TAC, be assigned to a Community Development Quota (CDQ) reserve for each subarea or district. The 1995 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ
Bering Sea .....	93,750 mt
Aleutian Islands .....	4,245 mt
Bogoslof .....	75 mt
Total .....	98,070 mt

Under regulations governing the CDQ program at § 675.27, NMFS may allocate the 1995 pollock CDQ reserves to

eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). NMFS has approved six CDP's and associated percentages of the CDQ reserve for each CDP recipient for 1994–95 (58 FR 61031, November 19, 1993). Table 3 lists the approved CDP recipients, and each recipient's allocation of the 1995 pollock CDQ reserve for each subarea.

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1995 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS

CDP recipient	Percent	Area	Allocation	Roe-season allowance <sup>1</sup>
Aleutian Pribilof .....	18	BS	16,875	7,594

TABLE 3.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1995 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS, AND THE BOGOSLOF DISTRICT (BD) AMONG APPROVED CDP RECIPIENTS—Continued

CDP recipient	Percent	Area	Allocation	Roe-season allowance <sup>1</sup>
Island Community .....	.....	AI	764	.....
Development Assn .....	.....	BD	14	.....
Total .....	.....	.....	17,653	.....
Bristol Bay Economic .....	20	BS	18,750	8,437
Development Corp .....	.....	AI	849	.....
.....	.....	BD	15	.....
Total .....	.....	.....	19,614	.....
Central Bering Sea .....	8	BS	7,500	3,375
Fishermen's Assn .....	.....	AI	340	.....
.....	.....	BD	6	.....
Total .....	.....	.....	7,846	.....
Coastal Villages .....	27	BS	25,312	11,390
Fishing Coop .....	.....	AI	1,146	.....
.....	.....	BD	20	.....
Total .....	.....	.....	26,478	.....
Norton Sound .....	20	BS	18,750	8,438
Fisheries Development .....	.....	AI	849	.....
Assn .....	.....	BD	15	.....
Total .....	.....	.....	19,614	.....
Yukon Delta Fisheries .....	7	BS	6,563	2,953
Development Assn .....	.....	AI	297	.....
.....	.....	BD	5	.....
Total .....	.....	.....	6,865	.....
Total .....	100	.....	98,070	42,182

<sup>1</sup> No more than 45 percent of a CDP recipient's 1995 pollock allocation may be harvested during the pollock roe season, January 1 through April 15.

#### Allocation of the Pacific Cod TAC

Under § 675.20(a)(2)(iv), 2 percent of the Pacific cod ITAC is allocated to vessels using jig gear, 44 percent to vessels using hook-and-line or pot gear, and 54 percent to vessels using trawl gear. At its December 1994 meeting, the Council recommended a seasonal apportionment of the portion of the

Pacific cod TAC allocated to the hook-and-line gear fisheries. The seasonal apportionments are intended to provide for the harvest of Pacific cod when flesh quality and market conditions are optimum and Pacific halibut bycatch rates are low. The Council's recommendations for seasonal apportionments are based on: (1) Seasonal distribution of Pacific cod

relative to prohibited species distributions, (2) expected variations in prohibited species bycatch rates experienced in the Pacific cod fisheries throughout the year, and (3) economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries. The seasonal allocation of the Pacific cod ITAC is specified in Table 4.

TABLE 4.—1995 GEAR SHARES OF THE BSAI PACIFIC COD INITIAL TAC

Gear	Percent TAC	Share ITAC (mt)	Seasonal apportionment		
			Date	Percent	Amount (mt)
Jig .....	2	4,250	Jan 1 .....	100	4,250
Hook-and-line/pot gear .....	44	93,500	Jan 1–Apr 30 ....	73	168,000
.....	.....	.....	May 1–Aug 31 ..	19	18,000
.....	.....	.....	Sep 1–Dec 31 ...	8	7,500
Trawl gear .....	54	114,750	Jan 1 .....	100	114,750
Total .....	100	212,500	.....	.....	.....

<sup>1</sup> Any portion of the first seasonal apportionment that is not harvested by the end of the first season will become available on September 1, the beginning of the third season.

#### Sablefish Gear Allocation and CDQ Allocations for Sablefish

Regulations at § 675.24(c)(1) require that sablefish TACs for BSAI subareas be divided between trawl and hook-and-line/pot gear types. Gear allocations of TACs are specified in the following proportions: Bering Sea subarea: Trawl

gear—50 percent; hook-and-line/pot gear—50 percent, and Aleutian Islands subarea: trawl gear—25 percent; hook-and-line/pot gear—75 percent. In addition, regulations under § 676.24(b) require NMFS to withhold 20 percent of the hook-and-line and pot gear sablefish allocation as sablefish CDQ reserve. To

accommodate the CDQ reserve and allow for the issuance of 1995 sablefish individual fishing quotas (IFQs), NMFS is releasing reserves to make the full amount of the 1995 sablefish TACs available early in the fishing year. Gear allocations and CDQ shares of sablefish TACs are specified in Table 5.

TABLE 5.—1995 GEAR AND CDQ SHARES OF BSAI SABLEFISH TAC

Area (mt)	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt) <sup>1</sup>	Share of CDQ
BS .....	Trawl .....	50	800	800	N/A
	Hook-and-line/Pot <sup>2</sup> .....	50	800	640	160
AI .....	Trawl .....	25	550	550	N/A
	Hook-and-line/Pot .....	75	1,650	1,320	330
Total .....	.....	.....	3,800	3,310	490

<sup>1</sup> Reserve added to ITAC.

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line gear or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

#### Sablefish CDP Allocations

On November 25, 1994, NMFS approved the 1995–97 Community

Development Plans (CDPs) for the 1995–97 sablefish CDQ program. The percentages of CDQ fixed gear sablefish allocation for each approved CDP were

published in the **Federal Register** on December 2, 1994 (59 FR 61877). The resulting 1995 allocations of sablefish to the approved CDPs are listed in Table 6.

TABLE 6.—APPROVED SHARES (PERCENTAGES) AND RESULTING ALLOCATIONS (MT) OF THE 1995 SABLEFISH CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS) AND ALEUTIAN ISLANDS (AI) SUBAREAS AMONG APPROVED CDP RECIPIENTS

CDP recipient	Sablefish		Amount (mt)
	Area	Percent	
Atka Fishermen's Association .....	BS .....	0	0
	AI .....	0	0
Bristol Bay Economic Development Corp .....	BS .....	0	0
	AI .....	25	82.5
Coastal Villages Fishing Cooperative .....	BS .....	0	0
	AI .....	25	82.5
Norton Sound Economic Development Corporation .....	BS .....	25	40
	AI .....	30	99
Pribilof Island Fishermen .....	BS .....	0	0
	AI .....	0	0
Yukon Delta Fisheries Development Association .....	BS .....	75	120
	AI .....	10	33
Aleutian Pribilof Islands Community Development Association .....	BS .....	0	0
	AI .....	10	33
Total .....	BS .....	100	160
	AI .....	100	330

#### Allocation of Prohibited Species Catch (PSC) Limits for Crab, Halibut, and Herring

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the Bering Sea subarea, and for Pacific halibut throughout the BSAI specified under § 675.21(a). The PSC limits are:

- Zone 1 trawl fisheries, 200,000 red king crabs;
- Zone 1 trawl fisheries, 1 million *C. bairdi* Tanner crabs;
- Zone 2 trawl fisheries, 3 million *C. bairdi* Tanner crabs;
- BSAI trawl fisheries, 3,775 mt mortality of Pacific halibut;
- BSAI nontrawl fisheries, 900 mt mortality of Pacific halibut; and
- BSAI trawl fisheries, 1,861 mt Pacific herring.

The PSC limit of Pacific herring caught while conducting any trawl

operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 1995 herring biomass is 186,100 mt. This amount was derived using 1994 survey data and an age-structured biomass projection model developed by the Alaska Department of Fish and Game. Therefore, the herring PSC limit for 1995 is 1,861 mt.

Regulations at § 675.21(b)(2) authorize the apportionment of the non-trawl halibut PSC limit among three fishery categories (Pacific cod hook-and-line fishery, groundfish pot gear fishery, and other non-trawl fisheries). The PSC allowances are listed in Table 7. In general, the fishery bycatch allowances listed in Table 7 reflect the recommendations made to the Council by its AP. These recommendations were based on 1994 bycatch amounts, anticipated 1995 harvest of groundfish by trawl gear and fixed gear, and

assumed halibut mortality rates in the different groundfish fisheries based on analyses of 1992–93 observer data.

The Council recommended continuing to exempt groundfish pot gear fisheries from halibut bycatch restrictions during 1995. In 1994, total groundfish catch for the pot gear fishery in the BSAI was approximately 8,500 mt with an associated halibut bycatch of 58 mt, or less than 5 mt bycatch mortality, using the mortality rate recommended for 1995 (8 percent). The Council recommended that pot gear be exempt from halibut-bycatch restrictions because (1) potential exists for halibut-bycatch mortality in the Greenland turbot or sablefish hook-and-line fisheries to require closure of the pot gear fishery if the halibut-bycatch allowance is reached, and (2) the groundfish pot gear fishery uses a selective gear type that experiences very low halibut bycatch mortality.

The Council also recommended exempting the BSAI jig gear fishery and the sablefish hook-and-line gear fishery from halibut-bycatch restrictions. A proposed rule was published by NMFS on December 29, 1994 (59 FR 67268) which, if approved, would provide the

authority to determine annually whether to apportion the halibut-bycatch limit to the groundfish jig gear fishery or the sablefish hook-and-line fishery or to exempt these fisheries from halibut-bycatch restrictions. At its December 1994, meeting, the Council

recommended that the 1995 BSAI groundfish jig gear fishery and the sablefish hook-and-line gear fishery be exempt from halibut-bycatch restrictions. The final rule, if approved, would specify the Council's recommended exemptions.

TABLE 7.—FINAL 1995 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES.

Trawl fisheries	Zone 1	Zone 2	BSAI-wide
Red king crab, number of animals:			
Yellowfin sole .....	50,000	.....	.....
Rcksol/flatsol/othflat <sup>1</sup> .....	110,000	.....	.....
Turb/arrow/sab <sup>2</sup> .....	0	.....	.....
Rockfish .....	0	.....	.....
Pacific cod .....	10,000	.....	.....
Plck/Atka/othr <sup>3</sup> .....	30,000	.....	.....
Total .....	200,000	.....	.....
<i>C. bairdi</i> Tanner crab, number of animals:			
Yellowfin sole .....	225,000	1,525,000	.....
Rcksol/flatsol/othflat .....	475,000	510,000	.....
Turb/arrow/sab .....	0	5,000	.....
Rockfish .....	0	10,000	.....
Pacific cod .....	225,000	260,000	.....
Plck/Atka/othr .....	75,000	690,000	.....
Total .....	1,000,000	3,000,000	.....
Pacific halibut, mortality (mt):			
Yellowfin sole .....	.....	.....	750
Rcksol/flatsol/othflat .....	.....	.....	690
Turb/arrow/sab .....	.....	.....	120
Rockfish .....	.....	.....	110
Pacific cod .....	.....	.....	1,550
Plck/Atka/othr .....	.....	.....	555
Total .....	.....	.....	3,775
Pacific herring, mt:			
Midwater pollock .....	.....	.....	1,345
Yellowfin sole .....	.....	.....	315
Rcksol/flatsol/othflat .....	.....	.....	0
Turb/arrow/sab .....	.....	.....	0
Rockfish .....	.....	.....	8
Pacific cod .....	.....	.....	24
Plck/Atka/othr <sup>4</sup> .....	.....	.....	169
Total .....	.....	.....	1,861
<i>Non-trawl fisheries</i>			
Pacific halibut, mortality (mt)			
Pacific cod .....	.....	.....	725
Other non-trawl .....	.....	.....	175
Groundfish pot gear .....	.....	.....	( <sup>5</sup> )
Total .....	.....	.....	900

<sup>1</sup> Rock sole, flathead sole, and other flatfish fishery category.

<sup>2</sup> Greenland turbot, arrowtooth flounder, and sablefish fishery category.

<sup>3</sup> Pollock, Atka mackerel, and "other species" fishery category.

<sup>4</sup> Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.

<sup>5</sup> Exempt.

### Seasonal Apportionments of PSC Limits

Regulations at § 675.21(b)(3) authorize NMFS, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances among the fisheries to which bycatch has been apportioned. Under § 675.21(b)(3), such an

apportionment must be based on certain types of information. See the discussion in the proposed specifications (59 FR 64383, December 14, 1994).

At its December 1994 meeting, the Council recommended that the halibut bycatch allowances listed in Table 7 be seasonally apportioned as shown in

Table 8, for yellowfin sole, rock sole/flathead sole/other flatfish, rockfish, and pollock/Atka mackerel/"other species" fishery categories. The recommended seasonal apportionments reflect recommendations made to the Council by its AP.

The Council recommended seasonal apportionments of the halibut bycatch allowances specified for the yellowfin sole, and rocksole, flathead sole, and other flatfish categories to provide additional fishing opportunities in the BSAI early in the year and to reduce the incentive for trawl vessel operators to move from the BSAI to the Gulf of Alaska after the rock sole roe fishery is closed, typically at the end of February.

The AP's recommended seasonal apportionment of the halibut bycatch allowance for the pollock/Atka mackerel/"other species" fishery category is based on the seasonal allowances of the Bering Sea pollock ITAC recommended for the roe and non-roe seasons, and the assumption that most of the pollock taken during the roe season will be taken with pelagic trawl gear with reduced halibut bycatch rates.

The AP recommended seasonal apportionment of the halibut bycatch allowance for the Pacific cod fishery based on: (1) Anticipation that the proposed rule published in the **Federal Register** on December 29, 1994 (59 FR 67268) would exempt the BSAI jig gear fishery and the sablefish hook-and-line gear fishery from halibut-catch restrictions, and (2) the Council's desire to limit a hook-and-line fishery for Pacific cod during summer months when halibut bycatch rates are high. Seasonal apportionments of the halibut bycatch allowances for 1995 are specified in Table 8.

TABLE 8.—FINAL SEASONAL APPORTIONMENTS OF THE 1995 PACIFIC HALIBUT BYCATCH MORTALITY ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.

Fishery	Seasonal bycatch mortality allowance (mt halibut)
<i>Trawl gear:</i>	
Yellowfin sole:	
Jan. 20–Jul. 31 .....	280
Aug. 01–Dec. 31 .....	470
Total .....	750
Rock sole/flathead sole/"other flatfish":	
Jan. 20–Mar. 31 .....	428
Apr. 01–Jun. 30 .....	180
Jul. 01–Dec. 31 .....	82
Total .....	690
Turbot/arrowtooth flounder/sablefish Total .....	120
Rockfish:	
Jan. 20–Mar. 31 .....	30
Apr. 01–Jun. 30 .....	60

TABLE 8.—FINAL SEASONAL APPORTIONMENTS OF THE 1995 PACIFIC HALIBUT BYCATCH MORTALITY ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES.—Continued

Fishery	Seasonal bycatch mortality allowance (mt halibut)
Jul. 01–Dec. 31 .....	20
Total .....	110
Pacific cod:	
Jan. 20–Oct. 24 .....	1,450
Oct. 25–Dec. 31 .....	100
Total .....	1,550
Pollock/Atka mackerel/"other species":	
Jan. 20–Apr. 15. ....	455
Apr. 15–Dec. 31 .....	100
Total .....	555
Total Trawl Halibut Mortality .....	3,775
<i>Non-trawl gear</i>	
Pacific cod:	
Jan. 01–Apr. 30 .....	475
May 01–Aug. 31 .....	40
Sep. 01–Dec. 31 .....	210
Total .....	725
Other non-trawl .....	175
Groundfish pot .....	(1)
Total Non-trawl Halibut Mortality .....	900

<sup>1</sup> Exempt.

For purposes of monitoring the fishery halibut bycatch mortality allowances and apportionments, the Regional Director will use observed halibut bycatch rates reported and observed groundfish catch to project when a fishery's halibut bycatch mortality allowance or apportionment is reached. The Regional Director monitors the fishery's halibut bycatch mortality allowances using assumed mortality rates that are based on the best information available, including information contained in the final annual SAFE report.

The Council recommended that the assumed halibut mortality rates for the BSAI groundfish fisheries remain unchanged from those used in 1994. This recommendation is contrary to the recommendation of International Pacific Halibut Commission (IPHC) staff, who advocated assumed mortality rates that are generally higher, based on 1992–93 observer data. The Council further recommended that NMFS, if possible, conduct a mid-year evaluation of the

halibut mortality rates, based on final 1994 and 1995 observer data, and adjust the rates for the remainder of 1995.

NMFS will use the assumed halibut mortality rates recommended by the IPHC staff for the BSAI groundfish fisheries in 1995 except for the BSAI Pacific cod hook-and-line gear fishery. Except for that fishery, NMFS believes data presented by the IPHC staff represent the best available information on halibut discard mortality rates and should be used to estimate halibut bycatch mortality levels.

NMFS will use an assumed halibut mortality rate of 12.5 percent for the BSAI hook-and-line cod fishery during the first half of 1995, instead of the IPHC's recommended rate of 18 percent, for the following reason: Mandatory careful release requirements are expected to result in reduced halibut discard mortality rates relative to the rates experienced in 1992–93; the BSAI hook-and-line fishery for Pacific cod has initiated a program to disseminate timely in-season data on halibut bycatch rates and individual vessel mortality rates that is anticipated to further reduce discard mortality rates within the fleet; vessels using hook-and-line or pot gear are allocated a specified portion of the BSAI Pacific cod TAC; the Council recommended that the halibut bycatch allowance apportioned to the BSAI Pacific cod hook-and-line fishery be apportioned into three seasons, with 28 percent of the annual apportionment allocated to the third season that starts September 1; the NMFS Observer Program Office has indicated that 1995 in-season observer data and final 1994 observer data for the BSAI Pacific cod hook-and-line fishery will be available by mid-1995 to allow for an analysis of observed halibut discard mortality rates and an adjustment from the 12.5 assumed rate in time for the beginning of the third season (September 1). This reconsideration could result in an increase or decrease of the assumed rate; and if the mid-1995 assessment of observer data indicates that the halibut mortality rate in the hook-and-line cod fishery has not declined to the extent anticipated, retroactive adjustments in the estimated 1995 halibut bycatch mortality would be accommodated within the third seasonal apportionment of the annual bycatch allowance specified for this fishery. Although an upward adjustment in estimated bycatch mortality may preclude a fishery for Pacific cod in the third season, NMFS believes that the amount of halibut bycatch mortality apportioned to the third season should prevent the halibut bycatch limit from being exceeded.



Assumed Pacific halibut mortality rates for BSAI fisheries during 1995 are specified in Table 9.

TABLE 9.—ASSUMED PACIFIC HALIBUT MORTALITY RATES FOR THE BSAI FISHERIES DURING 1995

	Percent
Hook-and-line gear fisheries:	
Rockfish .....	24.0
Pacific cod <sup>1</sup> .....	12.5
Greenland turbot .....	19.0
Sablefish .....	17.0
Trawl gear fisheries:	
Midwater pollock .....	89.0
Non-pelagic pollock .....	77.0
Yellowfin sole .....	76.0
Rock sole, flathead sole, other flatfish .....	75.0
Rockfish .....	69.0
Pacific cod .....	65.0
Atka mackerel .....	59.0
Arrowtooth .....	49.0
Greenland turbot .....	48.0
Pot gear fisheries:	
Pacific cod .....	8.0

<sup>1</sup> The assumed halibut bycatch mortality rate for the hook-and-line Pacific cod fishery will be re-evaluated mid-1995 using final 1994 observer data and inseason 1995 observer data.

#### Groundfish PSC Limits

No PSC limits for groundfish species are specified in this action. Section 675.20(a)(6) authorizes NMFS to specify PSC limits for groundfish species or species groups for which the TAC will be completely harvested by domestic fisheries. These PSC limits apply only to JVP or TALFF fisheries. At this time, no groundfish are allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

#### Closures to Directed Fishing

If the Regional Director establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, or, with respect to pollock, before the end of the fishing season, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district under § 675.20(a)(8).

Fishing for groundfish in the BSAI is authorized from January 1 through December 31, with the following exceptions (§ 675.23): (1) Directed fishing for arrowtooth flounder and Greenland turbot is authorized from May 1, 1995, to December 31, 1995, subject to the other provisions in the BSAI regulations; (2) fishing for groundfish with trawl gear in the BSAI is prohibited until January 20, 1995; (3) with certain exceptions, directed fishing for pollock by the inshore component, defined at § 675.2, is authorized January 1, 1995, through April 15, 1995, and

August 15, 1995, through the end of the fishing year; (4) with certain exceptions, directed fishing for pollock by the offshore component, defined at § 675.2, is authorized from January 26, 1995, to April 15, 1995, and from August 15, 1995, through the end of the fishing year; (5) directed fishing for pollock under the Western Alaska CDQ Program is authorized from January 1, 1994, through the end of the fishing year (§ 675.23(e)); and (6) directed fishing with trawl gear in Zone 1 for rockfish, Greenland turbot, arrowtooth flounder, and sablefish is closed, as there is no crab PSC to support this fishery (See Table 7).

In addition to these regulatory closures, NMFS may take action to implement closures to directed fishing for species needed as bycatch amounts in other directed fisheries. A principal consideration for the Council in developing its 1995 TAC recommendations was ensuring that the sum of the species TACs did not exceed the maximum OY of 2 million mt. After consideration of the amount of each species category TAC which is required for bycatch in other directed fisheries, the Council recommended that TAC amounts specified for certain species be established as directed fishing allowances.

NMFS concurs with the Council's recommendations, and accordingly, is prohibiting directed fishing for the following species and species groups: (1) Pacific ocean perch in the Bering Sea, (2) other red rockfish in the Bering Sea, (3) shortraker/rougheye in the Aleutian Islands, (4) other rockfish in the BSAI, (5) arrowtooth flounder in the BSAI, and (6) pollock in the Bogoslof district. Species or species groups identified in Table 10 are necessary as incidental catch to support other anticipated groundfish fisheries and TAC amounts for these species will be used for bycatch purposes only. If NMFS determines the full TAC amount will not be used as bycatch, NMFS may open a directed fishery for that species.

TABLE 10.—CLOSURES TO DIRECTED FISHING UNDER 1995 TACS <sup>1</sup>

Fishery (all gear)	Closed area <sup>2</sup>
Pollock in Bogoslof District.	Statistical Area 518.
Pacific ocean perch ..	Bering Sea.
Shortraker/rougheye rockfish.	Al. <sup>3</sup>
Other rockfish <sup>4</sup> .....	BSAI.
Other red rockfish <sup>5</sup> ...	Bering Sea.
Rockfish, Greenland turbot/arrowtooth/sablefish.	Zone 1.

TABLE 10.—CLOSURES TO DIRECTED FISHING UNDER 1995 TACS <sup>1</sup>—Continued

Fishery (all gear)	Closed area <sup>2</sup>
Arrowtooth .....	BSAI.

<sup>1</sup> These closures to directed fishing are in addition to closures and prohibitions found in regulations at 50 CFR part 675.

<sup>2</sup> Refer to § 675.2 for definitions of areas.

<sup>3</sup> "Al" means Aleutian Islands area.

<sup>4</sup> In the BSAI, "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species.

<sup>5</sup> "Other red rockfish" includes shortraker, rougheye, sharpchin, and northern.

In addition to the above closures, NMFS closed the directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea effective noon, A.L.T., February 2, 1995, under authority of the interim 1995 specifications. In accordance with § 675.20(a)(7)(ii), these closures will remain in effect until 12 midnight, A.L.T., December 31, 1995. Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

#### Technical Amendment To Revise Specified Fishery Categories for Directed Fishing Standards and PSC Apportionments

Two technical amendments are necessary to update a directed fishery standard and a definition of a fishery category to reflect the establishment of a flathead sole TAC separate from the "other flatfish" category.

First, regulations under § 675.20(h)(2) establish directed fishing standards for yellowfin sole, rock sole, arrowtooth flounder, and "other flatfish." To the extent that flathead sole now has a separate ABC, TAC, OFL, and ITAC, the standards for directed fishing are revised by technical amendment to add flathead sole to this directed fishing category.

Second, regulations under § 675.21(b) authorize the apportionment of each PSC limit into bycatch allowances for specified trawl fishery categories. The definition of these fishery categories at § 675.21(b)(1)(iii) must be amended to include the new flathead sole fishery at § 675.21(b)(1)(iii)(B)(2). The fishery category "rock sole/other flatfish" is revised, therefore, to "rock sole/flathead sole/other flatfish" to provide PSC amounts for this category.

#### Classification

This action is authorized under 50 CFR 611.93(b), 675.20, and 676; and is exempt from review under E.O. 12866.

The final rule makes minor technical amendments to 50 CFR 675.20 and 675.21. These amendments are a logical outgrowth of the proposed 1995 TAC specifications, which separated flathead sole from the "other flatfish" category, and are necessary to implement the specifications. Prior notice and opportunity for public comment would serve no useful purpose and is, therefore, unnecessary. Accordingly, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) finds good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B).

This action adopts final 1995 harvest specifications for the BSAI, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts will be overharvested and retention of these species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the technical amendment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which

would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

NMFS has determined that the BSAI groundfish fisheries are not likely to affect Steller sea lions in a way or to an extent not already considered in previous Section 7 consultations on this fishery. NMFS has determined that reinitiation of formal consultation under this ESA is not required.

NMFS prepared an EA on the 1995 TAC specifications. The Assistant Administrator concluded that no significant impact on the environment will result from their implementation. A copy of the EA is available (see addresses).

#### List of Subjects

##### 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements

##### 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 7, 1995.

**Richard H. Schaefer,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

#### PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 675.20, paragraph (h)(2) is revised to read as follows:

#### § 675.20 General limitations.

\* \* \* \* \*

(h) \* \* \*

(2) *Yellowfin sole, rock sole, arrowtooth flounder, flathead sole, or "other flatfish."* The operator of a vessel is engaged in directed fishing for yellowfin sole, rock sole, arrowtooth flounder, flathead sole or "other flatfish" if he or she retains, at any time during a trip, an amount of one of these species equal to or greater than 35 percent of the amount of the other respective species retained at the same time on the vessel during the same trip, plus 20 percent of any groundfish species other than yellowfin sole, rock sole, flathead sole or "other flatfish" retained at the same time on the vessel during the same trip.

\* \* \* \* \*

3. In § 675.21, paragraph (b)(1)(iii)(B)(2) is revised to read as follows:

#### § 675.21 Prohibited species catch (PSC) limitations.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(B) \* \* \*

(2) *Rock sole/flathead sole/"other flatfish" fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (b)(1)(iii)(B) of this section and is not a yellowfin sole fishery as defined under paragraph (b)(1)(iii)(B)(1) of this section.

\* \* \* \* \*

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